

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

In re:

FULL SPECTRUM MANAGEMENT, LLC,

Debtor.

Case No. BT 19-00613
Chapter 7

INDEPENDENT BANK, derivatively for and on behalf of
KELLY M. HAGAN, CHAPTER 7 TRUSTEE for the
Bankruptcy Estate of Full Spectrum Management, LLC,

Plaintiff,

Adversary Proceeding
No. 20-80059

-VS-

MARK D. NOSS,
MARK D. NOSS, O.D., LLC,
SMART SCHOOLS MANAGEMENT, INC.,
MDN DEVELOPMENT, LLC,
SMART SCHOOLS MANAGEMENT OF BAY CITY, LLC,
STEVEN INGERSOLL, and
SMART SCHOOLS, INC.,

Defendants.

SCHEDULING ORDER REGARDING
PLAINTIFF'S MOTION TO COMPEL DISCOVERY

PRESENT: HONORABLE JAMES W. BOYD
United States Bankruptcy Judge

On June 15, 2021, Independent Bank (the "Plaintiff") filed a Motion for Order Compelling Compliance with Non-Party Subpoena and for Discovery Sanctions in the above-captioned adversary proceeding. (AP Dkt. No. 78.) The court has reviewed the motion and has determined to schedule a hearing. The court will also require Mark D. Noss, Mark D. Noss, O.D., LLC, and MDN Development, LLC (the "Noss Defendants") and Padgett Business Services to file responses to the motion by a date certain.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Response Deadline. The Noss Defendants and Padgett Business Services shall each file a response to the Plaintiff's motion, and serve a copy upon all opposing parties, by no later than **July 2, 2021**.
2. Hearing Date. A hearing on the Plaintiff's motion shall be held at the United States Bankruptcy Court, Logan Place West, 3249 Racquet Club Drive, **Traverse City, Michigan** on **July 8, 2021**, at **11:00 a.m.**

Please note: The court will be re-opening for in-person hearings as of July 6, 2021. The parties should consult the "Remote Hearing Procedures" notice on the court's website, <https://www.miwb.uscourts.gov/covid-19-notices>, for information concerning court appearances.

3. Compliance with Meet and Confer Requirement. Although the pleadings indicate that the parties have corresponded about this discovery dispute via email, the parties should ensure that they have fully complied with the court's meet and confer policy prior to the hearing. See <https://www.miwb.uscourts.gov/content/judge-james-w-boyd>, Discovery Motions ("The court will not consider motions related to contested discovery unless, prior to the filing of the motion, the parties have conferred, *through direct dialogue and discussion either in person or by telephone*, and attempted to resolve their differences in good faith.") (emphasis added). Failure to comply with this requirement may result in denial of the motion or adjournment of the hearing.

IT IS FURTHER ORDERED that the Clerk shall serve a copy of this Order pursuant to Fed. R. Bankr. P. 9022 and LBR 5005-4 upon:

Kevin M. Smith, Esq.

Sandra S. Hamilton, Esq.

David W. Centner, Esq.

Wallace H. Tuttle, Esq.

Gerald B. Zelenock, Jr., Esq.

Steven Ingersoll
1514 Center Ave.
Bay City, MI 48708

Thomas A. Pezzetti, Jr.
Pezzetti, Vermetten & Popovits, P.C.
600 E. Front Street, Suite 102
Traverse City, MI 49686

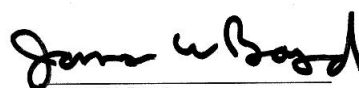
Padgett Business Services
Attn: Lee Torrey, CPA
954 Business Park Drive, Ste. 3
Traverse City, MI 49686

END OF ORDER

IT IS SO ORDERED.

Dated June 23, 2021




James W. Boyd
United States Bankruptcy Judge